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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,723	09/12/2003	Sandip Datta Roy	60046.0062US01	8283
53377 7590 09/13/2007 HOPE BALDAUFF HARTMAN, LLC 1720 PEACHTREE STREET, N.W SUITE 1010 ATLANTA, GA 30309			EXAMINER VIDWAN, JASJIT S	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/661,723

Applicant(s)

DATTA ROY ET AL.

Examiner

Jasjit S. Vidwan

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/5B/08) Paper No(s). _____.
13. ☐ Other: _____.


HENRY TSAI
SUPERVISORY PATENT EXAMINER

JSV 9/05/07

Continuation of 11: Applicant argues that prior art of record fails to teach:

(a) "Reading the drive head register destination; [and] detecting whether the data read from the drive head register destination matches the data written to the drive head register destination."

(b) "Drive selection value"

(c) "Basic input/output system program capable of being executed on the processor and, when executed on the processor, operative to"

With respect to argument (a), **Examiner disagrees**. Hartung discloses issuing commands that cause particular one of a set of values to be loaded into registers [Col. 11, Lines 32-35]. Following this step, the microprocessor reads the data from the register and outputs the values in the register onto buses 60A-60D. When same values are matched with the devices connected to the host computer, hexadecimal value "EB14" is returned over the bus to indicate that IDE device is connected. However, if the values do not match with those read from the register, a hexadecimal "F" values are issued to indicate that no device is connected to the host system. The value read from the register and output on the bus is not matched against the "signature", but rather the signature is created following the matching of the read values to indicate whether an IDE device is connected or not.

With respect to argument (b), **Examiner disagrees**. Applicant argues that prior art does not teach loading "drive selection value" in the register, however in next paragraph of remarks states that "certain set of values" are loaded in the register instead. It should be noted that prior art does not need to teach exact terminology as the Applicant for what values are loaded into the register as long as it can be shown that some values are loaded into a register and the purpose of those values (to indicate whether IDE device is connected to host or not) is same as claimed invention then it is established that prior art reads on the limitations set forth in the claim language.

With respect to argument (c), **Examiner disagrees**. Applicant argues that the recited portion of Hartung provides absolutely no disclosure of BIOS operative to perform the claimed operations. However, the claimed invention does not require the "program" to be BIOS operative to perform therein after claimed operations. The portion of the invention is simply software per se and Hartung teaches a

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microprocessor operable to execute software to perform the claimed operations [Col. 10, Lines 6-14]. It has already been established that Hartung teaches the method that follow the above limitations and therefore it is inherent that the said methods were executed via a software being run on the microprocessor [Fig. 6, element 62] as taught by Hartung.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSV
9/5/07